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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/534,403	03/22/2000	Yu Minakuchi	1341.1041/JDH	8398

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EXAMINER
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MIRZA, ADNAN M

ART UNIT	PAPER NUMBER
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2141

16

DATE MAILED: 12/16/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

PR2e

# Office Action Summary

Application No.

09/534,403

Applicant(s)

MINAKUCHI ET AL.

Examiner

Adnan M Mirza

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 20 November 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 3-7,9 and 11-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 3-7,9,11-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)                      4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)                      5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_                      6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 3-7,9,11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yao et al (U.S. 5,938,734) and Ueno et al (U.S. 6,438, 596)

3. As per claims 3,12,13 Yao disclosed further comprising a distribution control unit distributing a content as real-time reproducible stream information regarding a distribution of a content as real-time reproducible stream information to a receiving device (col. 3, lines 1-20 & col. 11, lines 17-27); and a memory unit storing a distribution schedule information of the distribution control unit and the reproduction control unit, wherein the distribution schedule information comprises information on a time and a date to start and end the distribution of the content, and the reproduction control unit controls the distribution control unit and the receiving device based on the stored distribution schedule information (col. 3, lines 1-20).

However Yao failed to disclose a reproduction control unit controlling the distribution control unit regarding distribution of the content to the receiving device and controlling the receiving device regarding the real-time reproduction of the stream information and the reproduction control unit controls the receiving device based on the stored distribution schedule information.

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In the same field of endeavor Ueno disclosed communication means for transmitting the real time data; reproduction means for receiving and reproducing the real time data; communication means for transmitting the real time data; reproduction means for receiving and reproducing the real-time data; reproduction means for receiving and reproducing the real time data; communication-network-resources management control means for managing communication resources of the communication means and for establishing a communication line between the data storage means and the reproduction means; storage-resources management control means for managing the kind of the real-time data stored data storage means, and for managing the number of real-time data being able to be transmitted by the data storage means at the same time, to determine one of the plurality of data storage means, by which a required real time data is to be transmitted; and service control means for accepting a demand for services from a user (col. 4, lines 32-50). Therefore, it is possible to prevent the user from wasting time and labor for interactively selecting a required real-time data, so that it is possible to improve the facility for the user (col. 4, lines 62-64).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have incorporated the reproduction control unit which controls said receiving device, regarding a real-time reproduction of the stream information as taught by Ueno in the method of Yao to be more versatile in the methodology of digital data streaming and reduce the cost.

4. As per claim 2 Yao-Ueno disclosed further comprising a change-over unit to be manipulated by an operator for changing a control of the reproduction control unit to another

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control condition, wherein said reproduction control unit controls said receiving device according to the control condition (Ueno, col. 5, lines 3-25).

5. As per claim 4 Yao-Ueno disclosed wherein a plurality of said receiving devices are provided, and said reproduction control unit carries out an identical control to each of said receiving device and prohibits an execution of an external control relating to a reproduction at said receiving devices (Ueno, col. 18, lines 43-57).

6. As per claim 5 Yao-Ueno disclosed wherein a plurality of said receiving devices are provided, and said reproduction control unit carries out an identical control to each of said receiving devices and permits an execution of an external control relating to a reproduction at said receiving devices (Ueno, col. 14, lines 11-30).

7. As per claims 6,7 Yao-Ueno disclosed a distribution control unit which controls an information distribution device to distribute real-time reproducible stream information to the distribution control unit itself (Yao, col. 11, lines 15-37); an editing unit receiving the content as the real-time reproducible stream information from an information distribution device, and editing and distributing the received real-time reproducible stream information (Ueno, col. 4, lines 32-50) wherein the reproduction control unit controls the receiving device regarding the real-time reproduction of the edited stream information (Ueno, col. 12, lines 23-34).

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8. As per claims 9,11 Yao-Ueno disclosed the invention substantially in claim 1 including further comprising a distribution control unit distributing a plurality of stream information including moving picture data that can be reproduced in real time to a receiving device (Yao, col. 3, lines 1-20); a reproduction control unit controlling the distribution control unit regarding the distribution of the plurality of stream information to the receiving device and controlling the receiving device regarding a display method relating to the real-time reproduction of the plurality of stream information (Ueno, col. 12, lines 23-34); and a memory unit storing importance level information on the importance level of each of the plurality of stream information (Yao, col. 4, lines 6-21), wherein said reproduction control unit controls said receiving device so as to reproduce a higher priority stream information of higher level of importance with higher priority over the rest of the stream information based on the stored importance level information (Ueno, col. 14, lines 11-30).

9. As per claim 15 Yao-Ueno disclosed a data streaming network system, comprising: a distribution server comprising a programmed computer processor distributing a content as real-time reproducible stream information to a client computer (Yao, col. 3, lines 1-20); a transit control server in network communication with the distribution server and the client computer and comprising a programmed computer processor controlling the distribution of the content by the distribution server and controlling conditions of the real-time stream information reproduction by the receiving device (Ueno, col. 4, lines 32-50).

Examiner addressed all the new limitation added to the claims.

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*Conclusion*

10. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Adnan Mirza whose telephone number is (703)-305-4633.

11. The examiner can normally be reached on Monday to Friday during normal business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dharia Rupal can be reached on (703)-305-4003. The fax for this group is (703)-746-7239.

12. The fax phone numbers for the organization where this application or proceeding is assigned are as follows:

(703)-746-7239 (For Status Inquiries, Informal or Draft Communications, please label "PROPOSED" or "DRAFT");

(703)-746-7239 (For Official Communications Intended for entry, please mark "EXPEDITED PROCEDURE"),

(703)-746-7238 (For After Final Communications).

13. Any Inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)-305-3900.

Any response to a final action should be mailed to:

BOX AF

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Commissioner of Patents and Trademarks Washington, D.C.20231


Or faxed to:

Hand-delivered responses should be brought to 4<sup>th</sup> Floor Receptionist, Crystal Park II,  
2021 Crystal Drive, Arlington, VA 22202.



Adnan Mirza

Examiner



RUPAL DHARIA  
SUPERVISORY PATENT EXAMINER